

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

ELIZABETH ANDRES, et al.

Plaintiffs,

No. 1:17-cv-00377-CCR

-vs-

TOWN OF WHEATFIELD, et al.,

Defendants.

---

ALICIA BELLAFIRE, et al.

Plaintiffs,

No. 1:18-cv-00560-CCR

-vs-

TOWN OF WHEATFIELD, et al.,

Defendants.

---

THEODORE WIRTH, III, et al.,

Plaintiffs,

No. 1:18-cv-1486-CCR

-vs-

TOWN OF WHEATFIELD, et al.,

Defendants.

---

**STIPULATION AND ORDER REGARDING SUBSTITUTION  
REQUESTED BY PLAINTIFF STEVEN JAMES AT DOC. 486**

This Stipulation applies in Consolidated Case *Bellafaire, et al. v. Town of Wheatfield, et al.*

**WHEREAS**, on December 15, 2023, Plaintiffs filed a motion to substitute Robin D. James, as Executrix of the estate of deceased plaintiff Steven James (“Decedent”), as an estate representative in place of Mr. James (Doc. 486 to 486-4); and

**WHEREAS**, attached to the motion was a “Statement Noting Death of Plaintiff Steven James” (Doc. 486-1).

**WHEREAS**, also attached to the motion was a copy of Letters Testamentary issued by the Niagara County Surrogate’s Court dated November 30, 2023 appointing Robin D. James as Executrix of Decedent’s estate for the “sole purpose of allowing a lawsuit to be prosecuted in which the decedent’s estate is a party.” (Doc. 486-4).

**WHEREAS**, Defendants brought a motion for partial summary judgment against various plaintiffs, including Plaintiff Steven James, on April 13, 2023 (Doc. 404), which motion remains pending at this time.

**WHEREAS**, Defendants do not oppose Plaintiffs’ motion provided that (1) the party substituted shall be designated “Robin D. James, as Executrix of the Estate of Steven James,” and (2) Defendants’ consent to this substitution is without prejudice to Defendants’ pending motion and dismissal, if granted, shall be binding on Decedent’s estate representative.

Accordingly, the parties, through their undersigned counsel, therefore **STIPULATE AND AGREE** as follows:

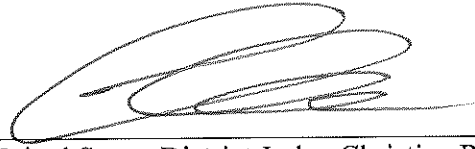
1. Plaintiffs’ motion to substitute pursuant to Rule 25(a) regarding Decedent Steven James (Doc. 486) be granted and the substituted party shall in all future filings, pleadings, etc. be designated as:

“Robin D. James Executrix of the Estate of Steven James.”

2. Defendants' consent to the substitution is without prejudice to Defendants' pending motion for summary judgment dismissing the claims of Decedent and dismissal, if granted, is binding on Decedent's estate representative.

**IT IS SO ORDERED.**

Dated: 2/1/24

A handwritten signature in black ink, appearing to read 'Christina Reiss', is written over a horizontal line.

United States District Judge Christina Reiss

NAPOLI SHKOLNIK PLLC

By: /s/ Nevin Wisnoski  
Nevin Wisnoski  
Attorneys for Plaintiffs  
1213 Culbreth, Suite 216  
Wilmington, NC 28405-3639  
Telephone: (919) 374-1971  
[nwisnoski@napolilaw.com](mailto:nwisnoski@napolilaw.com)

Christen Civiletto  
Attorney for Plaintiffs  
8313 West Point Drive  
East Amherst, NY 14051  
Telephone: (716) 713-2431  
[chistenciviletto@gmail.com](mailto:chistenciviletto@gmail.com)

STAG LIUZZA LLC

Ashley Liuzza  
Michael G. Stag  
Attorneys for Plaintiffs  
365 Canal Street, Suite 2850  
New Orleans, LA 70130  
Telephone: (504) 593-9600  
[mstag@stagliuzza.com](mailto:mstag@stagliuzza.com)  
[aliuzza@stagliuzza.com](mailto:aliuzza@stagliuzza.com)

BOND SCHOENECK & KING, PLLC

By: /s/ Charles D. Grieco

Charles D. Grieco  
Dennis K. Schaeffer  
Kathleen H. McGraw

Attorneys for Defendant  
*Town of Wheatfield*  
Avant Building, Suite 900  
200 Delaware Avenue  
Buffalo, New York 14202-2107  
Telephone No. (716) 416-7000  
cgrieco@bsk.com

Matthew E. Brooks  
Wheatfield Town Attorney  
2800 Church Road  
North Tonawanda, New York 14120  
Telephone No. (716) 694-6440  
matthb@wheatfield.ny.us

NIXON PEABODY LLP

By: /s/ Laurie Styka Bloom

Laurie Styka Bloom  
J. William Codinha  
John J. Weinholtz

Attorneys for Defendant  
*Crown Beverage Packaging, LLC*  
40 Fountain Plaza, Suite 500  
Buffalo, New York 14202-2224  
Telephone No. (716) 853-8102  
lbloom@nixonpeabody.com  
jcodinha@nixonpeabody.com  
jweinholtz@nixonpeabody.com

GREENBERG TRAURIG, LLP

By: /s/ Zackary D. Knaub

Zackary D. Knaub  
Attorneys for Defendant  
*Republic Services, Inc.*  
54 State Street, 6th Floor  
Albany, New York 12207  
Telephone No. (518) 689-1426  
knaubz@gtlaw.com

HARRIS BEACH PLLC

By: /s/ Steven P. Nonkes

Steven P. Nonkes  
Attorneys for Defendant  
*Greif, Inc.*  
99 Garnsey Road  
Pittsford, New York 14534  
Telephone No. (585) 419-8847  
snonkes@harrisbeach.com

LIPPES MATHIAS LLP

Brian C. Mahoney  
50 Fountain Plaza, Suite 1700  
Buffalo, New York 14202-2216  
Telephone No. (716) 853-5100  
bmahoney@lippes.com

BARCLAY DAMON LLP

By: /s/ Yvonne E. Hennessey

Yvonne E. Hennessey  
Carol Snider  
Kevin D. Szczepanski

Attorneys for Defendant  
*Industrial Holdings Corporation*  
80 State Street  
Albany, New York 12207  
Telephone No. (518) 429-4293  
yhennessey@barclaydamon.com  
csnider@barclaydamon.com